

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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ANDRE PACHECO,

Plaintiff,

vs

9:09-CV-1419

M. ZURLO, Deputy Superintendent for Programs;  
G. STANLEY, Inmate Grievance Supervisor; A.  
BOUCAUD, Superintendent - All of Altona  
Correctional Facility; and NEW YORK STATE  
DEPARTMENT OF CORRECTIONAL SERVICES,

Defendants.

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APPEARANCES:

ANDRE PACHECO  
03-A-4873  
Plaintiff, Pro Se  
Altona Correctional facility  
555 Devils Den Road  
Altona, NY 12910

HON. ANDREW M. CUOMO  
Attorney General of the  
State of New York  
Attorney for Defendants  
Department of Law  
The Capitol  
Albany, New York 12224

AARON M. BALDWIN, ESQ.  
Asst. Attorney General

DAVID N. HURD  
United States District Judge

**DECISION and ORDER**

Plaintiff, Andre Pacheco, commenced this civil rights action in December 2009, pursuant to 42 U.S.C. § 1983. By Report-Recommendation dated September 29, 2010, the Honorable Randolph F. Treece, United States Magistrate Judge, recommended that based

on plaintiff's assent, defendant DOC's motion to dismiss (Docket No. 20) be granted and DOCS be dismissed from the action. No objections to the Report-Recommendation have been filed.

Based upon a careful review of the file, and the recommendations of Magistrate Judge Treece, the Report-Recommendation is accepted and adopted in all respects. See 28 U.S.C. 636(b)(1).

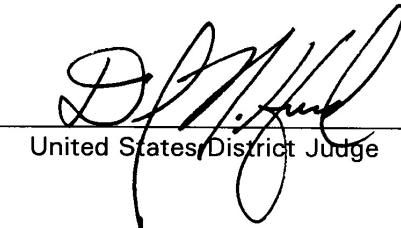
Accordingly, it is

ORDERED that

1. Defendant New York State Department of Correctional Services' motion to dismiss (Docket No. 20) is GRANTED;
2. Defendant New York State Department of Correctional Services is DISMISSED from the action; and
3. The action will continue under the Magistrate Judge's supervision for all further pretrial proceedings.

IT IS SO ORDERED.

Dated: October 22, 2010  
Utica, New York.



United States District Judge